

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department -Khammam District- Revision Petition filed by Sri Siliveru China Veera Bhadram S/o Sri Hanumanthu R/o Aswapuram (V) & (M), Khammam Dist. against the orders of the Addl. Agent to Government , Bhadrachalam, Khammam Dt.18.11.2006 in CMA No. 57/05 - Dismissed - Orders – Issued

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.17

Dated: 28-04-2017,
Read the following:-

1. Revision Petition filed by Sri Sri Siliveru China Veera Bhadram S/o Hanumanthu, R/o Aswapuram, Aswapuram Mandal Khammam District dated 21.02.2007
2. Govt.Memo.No.1463/LTR.2/2007, dated 14.03.2007
3. From the Addl. Agent to Govt., Bhadrachalama, Lr.Rc.No.57/2005 dated 24.01.2008.

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ORDER

In the reference 1st read above, Sri Siliveru China Veera Bhadram S/o Sri Hanumanthu R/o Aswapuram (V) & (M), Khammam Dist. has filed with regard to the land to an extent of Acs 1.20 gts in Sy No. 127/6 and an extent of Ac 2.10 gts in Sy No. 127/5/1 situated at Amerda(V) Aswapuram Mandal Khammam District, against the orders of the Addl. Agent to Government , Bhadrachalam, Khammam Dt.18.11.2006 in CMA No. 57/05.

2. In the reference 2nd read above, the Project Officer & Addl. Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. The remarks of the Addl. Agent to Government, Bhadrachalam on the revision petition are as under:

- The Special Deputy Collector (T.W), Bhadrachalam has initiated a case between Smt. Kandula Vimalamma W/o Satyanarayana and Sri S China Veerabhadram S/o Sri Hanumanthaiah in Land Transfer Regulation Case No. 63/99/APM and passed ejectment orders on 24.4.2000 on the plea that the transaction was took place between two Non-Tribals contravention regulation 1/59 amended by 1/70 for the extent Ac 1.33 in Sy Nos 127/5/1/A and 127/5/1/AA respectively of Amerada Village of Aswapuram Mandal. Aggrieved by the said orders the Appellants have preferred an appeal before the Addl. Agent to Govt. Bhadrachalam.
- The Additional Agent to Government, Bhadrachalam after due verification passed confirming the Lower Court orders in CMA.57/2005 on 18.11.2006 aggrieved by the said order, the Appellant preferred an appeal before the Government.
- The Appellant is that the Sri Siliveru Hanumanthu's name was mutated in Revenue records for the years 1668-69, 1969-70, 1970-71 before the enforcement of Regulation 1/70. In the said pahanies Sri Siliveru Hanumanthu's possession is by way of sale along with one Smt.Kandula Vimalamma, Sri Siliveru Hanumanthu's name was find place in Col No. 16 in cultivators column. But on verification of the said pahanies it reveals that no where recorded as sale. It does not mean that Sri Siliveru Hanumanthu possession is by way of sale. If really the alleged sale has taken place his name would have been recorded in both the column as well as pattadar and enjoyer. So it cannot be treated that the possession is by way of sale.
- The another contention is that the sale deed dt 26.5.1967 is much prior to regulation 1 of 70. Before the 1st respondent the Appellant filed Photostat copy of the alleged sale deeds which are inadmissible in evidence, and the Appellant will not acquire any title through the said documents. As such the Revision Petitioner failed to establish that said transaction is prior to the commencement of the regulation. Therefore when the documents itself are inadmissible in evidence, the Hon'ble High Court decisions are not applicable to this case.

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- Special Deputy Collector, Tribal Welfare Bhadrachalam clearly discussed the documents filed by Revision Petitioner and passed orders.
 - In addition to the above grounds the Appellant stated in his affidavit that the revenue authorities have issued ROR pass books and title deeds. The ROR is a procedural law. It is not a substantial law. At the time of issue pattadar pass books and title deeds the issuing authority have to verify whether the sale transaction hit by regulation or not, as the scheduled property is situated in scheduled Area. Therefore it does not confer any rights over the schedule land which is existing in the agency area.
 - It is to submit that as stated in the above paras the affidavit of the Revision Petitioner does not disclose any valid or tenable grounds for granting the relief prayed there in.
 - In the facts and circumstances stated above that the action taken by the Special Deputy Collector, Tribal Welfare Bhadrachalam and the Agent to Govt. Bhadrachalam and Special Deputy Collector, Tribal Welfare Bhadrachalam is proper and legally correct according to the provisions of APSA Land Transfer Regulation 1/59 amended by Reg 1/70. Hence the averments made by the Revision Petitioner are untenable and liable to be rejected. It is therefore prayed the Government may be pleased to dismiss the Revision Petition filed by Sri S China Veerabhadram and another in the interest of justice.
 - Further it is submitted that there is a court order in W.P.No.5027/2007 filed by Siliveru China Veera Bhadram & Siliveru Pitchamma in this regard. The Hon'ble High Court order dt.13.03.2007 while disposing the W.P. has directed the Government to consider and dispose of the revision petition as expeditiously as possible in accordance with law, after giving reasonable opportunity to all the concerned.
 - Further it is submitted that in the suomotu contempt case No. 1836/2011 the High Court has issued common orders directing the Government to dispose off all the LTR cases by the end of December, 2012.
4. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Addl.Agent to Govt it is observed that;
- As seen from the Revision Petition the main plea of the appellants is that they have purchased the land from one Smt.Kandula Vimalamma W/o Satyanarayana as detailed below.
 - Sri. Siliveeru Hanumanthu purchased Ac. 2-10 gts in S.No.127/5/1 of Amirde (v) of Aswapuram (m), Kothagudem District on 27.05.1967 and Ac.1-20 gts in S.No.127/6 of same village on 26.05.1967 and obtained sada sale deed / sale agreement from Smt. Kanula Vimalamma. But as verified from the copies of sada sale agreements / sale deeds submitted by Revision Petitioners the details are as here under.
 1. Sr. Siliveru Hanumanthu purchased Ac.2-10 gts in S.No 127/5/1 of Amirde (v) from Smt. Kandula vimalamma on 27.05.1962 but not on 27.05.1967 as claimed by Revision Petitioners.
 2. Smt. Modumpuram Ramulamma (Husband /Father name not recorded) has purchased Ac.1-20 gts in S.No.127/6 of Amirde (v) from Smt.Kandula Vilalamma on 02.01.1967 and the same was not purchased by Sri.Siliveru Hanumanthu as claimed by the Revision Petitioners.
 - Further the document produced by the Revision Petitioners is only sada sale deed. Their claim that the sale transaction is not hit by Act 1 of 59 read with Act 1 of 70 is sustainable only is case they become pattadars of the land prior to enactment of these Regulations. But till 1998 Smt. Kandula Vimalamma has been shown as pattadar. The Revision Petitioners have been shown only as cultivators / possessors of the said land in pahanis. Even the copies of salededs produced by them also not support their claim.
5. Government after careful examination of the matter here by dismissed the appeal of the Revision Petitioner filed by 1) Sri. Siliveru Chinnaveerabhadram S/o

Hanumamthu and 2) Smt. Siluveru Pichamma W/o Peda Veerabhadram and 3) daughter-in-law of Late

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Sri Hanumanthu and hereby upheld the orders of the Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam in CMA.No.57/2005 Dt:18.11.2006 and the said orders were issued confirming the orders of Spl.Dy.Collector, Bhadrachalam in case No.63/99/APM Dt:24.04.2000 are upheld.

6. The Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT

To

- 1) Sri. Siliveru Chinnaveerabhadram S/o Hanumamthu and
Smt. Siluveru Pichamma W/o Peda Veerabhadram and daughter -in-law of
Late JHIK Sri. Hanumanthu, R/o Aswapuram (V) & (M), Khammam Dist.
- 2) The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District(w.e.)

Copy to :

The Spl. Deputy Collector(TW), Bhadrachalam,
Now Bhadradi Kothagudem District for information and necessary action.
The Tahsildar, Aswapuram Mandal, Now Bhadradi Kothagudem District
for necessary action.
P.S to Minister (TW)/P.S. to Prl.Secretary(TW)
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER